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**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
DIVISION 6: EUGENE**

**CLIMATE PROTECTION AND  
RESTORATION INITIATIVE, DONN J.  
VIVIANI, JAMES E. HANSEN, JOHN  
BIRKS, RICHARD HEEDE, LISE VAN  
SUSTEREN, CLIMATE SCIENCE,  
AWARENESS AND SOLUTIONS,**  
Plaintiffs,

Case No.: 6:22-cv-1772-MK

v.

**PLAINTIFFS' RESPONSE TO ORDER  
TO SHOW CAUSE**

**MICHAEL S. REGAN**, Administrator of the  
United States Environmental Protection  
Agency, and the **UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY**

Defendants

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Plaintiffs seek here to respond to the Court's Order to Show Cause.

On May 5, 2023, the Court indicated (Doc. 27) that Plaintiffs failed to respond by April 24 to Defendants' Motion to Dismiss and ordered Plaintiffs to "show cause in writing by 5/12/2023 why Defendants' motion should not be granted."

On March 22, 2023, Plaintiffs filed the parties' Joint Motion to Set Aside Current and Set New Preliminary Schedule (Doc. 19). That joint motion provided, among other things, that:

- Defendants shall file a responsive motion under Rule 12 by April 10 [and]
- If Defendants file a motion under Rule 12, Plaintiffs shall file a response within 45 days of service of such motion, and Defendants shall file a reply within 30 days of service of such response.

By Order of March 29, 2023, the Court granted the parties' new scheduling motion (Doc. 20). Thereafter, on April 10, as anticipated in the joint motion, Defendants filed their Motion to Dismiss (Doc. 22).

Plaintiffs believed, and think still, that their response deadline is May 25, 2023, and not April 24, 2023. Accordingly, Plaintiffs urge the Court to vacate its Show-Cause Order.

Respectfully submitted this May 5, 2023,

/s/ Daniel M. Galpern  
Daniel M. Galpern (He/ Him)

*Counsel for Plaintiffs*